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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/064,791
Applicant : Boris A. Movchan et al.
Filed: : August 16, 2002
TC/Art Unit: : 1771
Examiner : Hai Vo

Confirmation No. **4089**

Docket No. : 13DV-13975
Customer No. : 30952

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

DECLARATION UNDER 37 CFR §1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

I, RAMGOPAL DAROLIA, depose and say that:

(1) I am a joint inventor of the subject matter covered by each of the claims pending in the above-identified patent application ("Application").

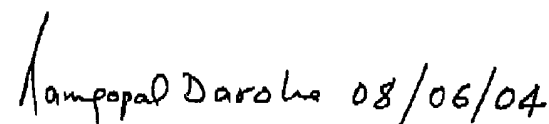
(2) Claims 26-40 of the Application are rejected as claiming subject matter found in U.S. Patent No. 6,492,038 to Rigney et al. ("Rigney").

(3) I conceived or invented the subject matter that has been cited in the

Application No. 10/064,791
Docket No. 13DV-13975
Amendment dated August 6, 2004
Reply to Office Action of April 6, 2004

rejection of claims 26-40 under 35 USC §102(e) as being disclosed but not claimed in the Rigney patent, namely, co-evaporating ceramic and carbon-containing materials to yield a thermal barrier coating containing, on the premise of inherence, elemental carbon and an insoluble gas. As such, this subject matter relied on under the §102(e) rejection was derived from me and is thus not the invention "by another."

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Ramgopal Darolia